

Article - Labor and Employment

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§3-1308.

(a) If an employee believes that an employer has violated this subtitle, the employee may file a written complaint with the Commissioner.

(b) (1) Within 90 days after the receipt of a written complaint, the Commissioner shall conduct an investigation and attempt to resolve the issue informally through mediation.

(2) (i) If the Commissioner is unable to resolve an issue through mediation during the period stated in paragraph (1) of this subsection and the Commissioner determines that an employer has violated this subtitle, the Commissioner shall issue an order.

(ii) An order issued under subparagraph (i) of this paragraph:

1. shall describe the violation;
2. shall direct the payment of the full monetary value of any unpaid earned sick and safe leave and any actual economic damages;
3. may, in the Commissioner's discretion, direct the payment of an additional amount up to three times the value of the employee's hourly wage for each violation; and
4. may, in the Commissioner's discretion, assess a civil penalty of up to \$1,000 for each employee for whom the employer is not in compliance with this subtitle.

(3) The actions taken under paragraphs (1) and (2) of this subsection are subject to the hearing and notice requirements of Title 10, Subtitle 2 of the State Government Article.

(c) (1) Within 30 days after the Commissioner issues an order, an employer shall comply with the order.

(2) If an employer does not comply with an order within the time period stated in paragraph (1) of this subsection:

(i) the Commissioner may:

1. with the written consent of the employee, ask the Attorney General to bring an action on behalf of the employee in the county where the employer is located; or

2. bring an action to enforce the order for the civil penalty in the county where the employer is located; and

(ii) within 3 years after the date of the order, an employee may bring a civil action to enforce the order in the county where the employer is located.

(3) If an employee prevails in an action brought under paragraph (2)(ii) of this subsection to enforce an order, the court may award:

(i) three times the value of the employee's unpaid earned sick and safe leave;

(ii) punitive damages in an amount to be determined by the court;

(iii) reasonable counsel fees and other costs;

(iv) injunctive relief, if appropriate; and

(v) any other relief that the court deems appropriate.

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